

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36094 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. Lalan Rai
 2. Shiv Rai
- Both Sons of Bhagat Rai, Residents of Village- Dipau, P.S. Kotwa, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Sri Umesh Chandra Verma, learned counsel

for the petitioners and Smt Veena Kumari Jaiswal, learned Addl.

Public Prosecutor.

Two petitioners, having clean antecedent, which fact has been stated in paragraph-3 of the petition, apprehending their arrest in Piprakothi P.S. Case No.29 of 2018, registered for the offence under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail, in the event of their arrest or surrender.

Learned counsel for the petitioners submits that nothing was recovered from the conscious possession of the petitioners and petitioners only on suspicion have been made



accused. The prayer for grant of anticipatory bail has been made on the ground of parity. It has been argued by way of referring to Annexure 2, i.e. order dated 7.5.2018 passed in Cr. Misc. No. 28150 of 2018 that one another accused in similar circumstances has already been extended the privilege of anticipatory bail.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail. He submits that in this case, there was huge quantity of recovery to the tune of 1350 litres of wine and, as such, the petitioners may not be extended the privilege of anticipatory bail, however she has not disputed the fact that one of the co-accused, in similar circumstances, has already been extended the privilege of anticipatory bail.

Considering the fact that the petitioners are having clean antecedent and one of the accused, in similar circumstances, has been granted anticipatory bail, there is no reason to pass a different order in the present case.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let both the petitioners, namely, (i) Lalan Rai and (ii) Shiv Rai be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned 4th Addl. Sessions Judge-cum-Special Judge, Excise,
Motihari, East Champaran in connection with Piprakothi P.S.
Case No.29 of 2018, subject to conditions as laid down in
Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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